

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

**EDWARD L. CHEATHAM, LARRY GIST,
WILLIAM HOLT, AND JAMES TEEPLES,
ON BEHALF OF THEMSELVES AND ALL
OTHER PERSONS SIMILARLY SITUATED,**

Plaintiffs,

v.

**THE R.C.A. RUBBER COMPANY OF
AMERICA, THE PULASKI RUBBER
COMPANY, THE PULASKI RUBBER
COMPANY BENEFIT PLAN, AND DOES
1 THROUGH 20,**

Defendants.

**No. 1:11-00006
Judge Sharp**

ORDER

For the reasons explained in the accompanying Memorandum, the Court finds that Plaintiffs are entitled to receive retiree health care benefits under the Pulaski Group Insurance Agreement as amended over the years, but that questions of fact exist as to whether Defendant R.C.A. Rubber Company of America is liable for those benefits. Accordingly, the Court rules as follows:

(1) Plaintiffs' Motion for Summary Judgment (Docket No. 74) is hereby GRANTED insofar as Plaintiffs seek to establish their entitlement to receive retiree healthcare benefits, but DENIED insofar as they seek to hold the Rubber Company of America liable for those benefits;

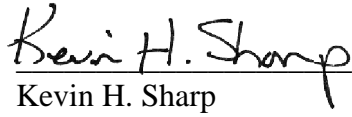
(2) The Motion for Summary Judgment filed by Defendants the Pulaski Rubber Company and the Pulaski Rubber Company Benefit Plan (Docket No. 70) is hereby DENIED, except to the extent that Plaintiffs seek to hold Pulaski Rubber Company liable for breach of a fiduciary duty; and

(3) The Motion for Summary Judgment filed by Defendant R.C.A. Rubber Company of America (Docket No. 72) is hereby DENIED.

The Court will hold a bench trial to consider whether Defendant R.C.A. Rubber Company of America is liable for the retiree healthcare benefits under the theories of piercing the corporate veil, alter ego and/or successor liability and, if so, the extent of that liability.

The bench trial is scheduled for August 14, 2012 with the final pretrial conference scheduled for July 23, 2012 at 2:30 p.m. The deadlines for trial-related matters will be addressed in a subsequent Order closer to the trial date.

It is SO ORDERED.



Kevin H. Sharp
United States District Judge